

# NEW HAMPSHIRE BOARD OF PHARMACY

121 South Fruit Street, Ste 401

Concord, New Hampshire 03301-2412

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## PUBLIC MEETING MINUTES January 16, 2019

Board of Pharmacy Meeting convened at 9:04 a.m. with the following Commissioners present; Commissioner Merchant, Commissioner Rochefort, Commissioner Genovese, Commissioner Laliberte, Commissioner Pervanas, Commissioner Bouchard, Commissioner Harrington.

Absent:

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Roll Call verifies a quorum.

### Agenda Review:

Move Off:	e	PDMP Report move to #9
Add on:	8	Ph 800 Technician Rules
	9	PDMP Report
	10	Legislative Action - Biennial Inventory
	11	Chronic Pain Meeting held on January 10, 2019

1. Consent Agenda - On motion from Commissioner Genovese with a second from Commissioner Laliberte with a Board Vote of 7-0-0. Remaining Items approved:
  - a. Public Meeting Minutes of December 16, 2018
  - b. PIC Change Health Direct Institute Pharmacy Services, Ronald Lessard, RPh
  - c. PIC Change Rite Aid #10289, West Lebanon, John Grover, RPh
  - d. PIC change Genoa Healthcare, LLC, Derry, Susan Carty, RPh
  - f. Clear Occupational Licensing Grant - Pharmacy Technicians tabled 12/19/18
  - g. Letter submitted to FDA on Compounding drug products tabled 12/19/18
2. Ph 1700 Continuous Quality Improvement Rules for Public Comment. Public Comment opened at 9:10 a.m. and closed at 9:30 a.m. Three people from the public testified to these rules and provided suggestions.
3. New Pharmacy Application - Seacoast Cancer Center at Portsmouth, Sharon Foster, RPh and Robert Terrio from Wentworth Douglass attended the meeting. The new pharmacy is located at Pease. This is an outpatient facility separate from the hospital serving outpatients only. They are set up to be in compliance with the new guidelines of USP 797 and USP 800. On motion from Commissioner Rochefort with a second from Commissioner Genovese to approve this application and a Board vote of 7-0-0.
4. Collaborative Practice Application - Sharon Foster, RPh. Holding a Collaborative Practice Endorsement on her permit will allow her to write prescriptions for anti-medics. She will have

access to the med rec prior to writing prescriptions. After hours patients will call the direct line and a physician will answer their call. On motion from Commissioner Genovese with a second from Commissioner Pervanas to approve this application, with a Board vote of 7-0-0.

5. Dartmouth Hitchcock Medical Center - Matt Mon, Director of Tele-pharmacy at DHMC, Marva Williams-Low, Director of Pharmacy at DHMC and PIC, Jetson Gilbert, PIC Alice Peck Day Memorial Hospital. Request to allow Mary Hitchcock Memorial Hospital Inpatient pharmacy to prepare patient specific compounded sterile preparations for administration to patients at our Dartmouth-Hitchcock Health System member, Alice Peck Day Hospital. The Board will present this to the Attorney General's office for their opinion on the wording and/or a Declaratory Ruling. The ruling would give the facility the authority to do this practice. However, the Attorney General's office could reverse this decision and the facility would have to stop this practice if they decided to undertake this practice before a ruling comes back from the Attorney General's office. The facility would like to have the ability to do this, we want to accept this risk, and at this time we may or may not choose to move forward with it, but we want that ball to be in our court. On motion from Commissioner Rochefort to approve with a second from Commissioner Harrington; to clarify, the motion is to allow them to make a sterile iv product at the Medical Center in Lebanon, then to take that patient specific, sterile product to Alice Peck Day, the sister facility, to administer to that patient. And the Board will send this to the Attorney General's office for a Declaratory Ruling and to be clear that this motion could be reversed by the Attorney General's office. Board Vote of 6-0-0. Commissioner Genovese is recused.
6. Ph 2100 - New Rules for Inspections. On motion from Commissioner Pervanas with a second from Commissioner Laliberte to move these rules to JLCAR for fiscal review. Board Vote of 7-0-0. Part 2 - Major Violation, Minor Violations - Discussion Item. **Board member to review and submit comments back to Administrator/Chief of Compliance Bullek by February 1, 2019.**
7. Ph 1800 - Licensed Pharmacy Assistant - New LSR; history, how they came about, presented to the public. The education piece and what the person might need in order to be eligible to become an LPA. The Board would like to include 2,000 hours as a Certified Pharmacy Technician, take the ASHP, ACPE program and pass the MPJE exam through NABP. The ASHP course is about 700 hours and the current cost is about \$6,000 for an online course. The cost is much lower than one Board member expected. ASHP does not offer the program, they only credential the program. There are three states that we know of that requires this level of education for their Certified Technicians, North Dakota, South Carolina, Louisiana.
8. Ph 800 - amendment to Ph 807.02, 812.02, three different changes. On motion from Commissioner Pervanas with a second from Commissioner Genovese to approve with the changes. Board Vote of 6-1-0 Commissioner Harrington opposed.
9. PDMP Report - If the Board reviewed the audit report and then it went to fiscal, then the report would be late getting to fiscal by 1 ½ - 2 months and that is not acceptable. If the audit report is not reviewed by the Board, then it should not indicate on the report that it is a Board report. It should clearly indicate from a certain date forward the Board has not reviewed, or label it Draft, the report should not indicate that the Board has reviewed it. On motion from Commissioner Pervanas with a second from Commissioner Rochefort to approved the PDMP report with a Board Vote of 7-0-0.

FYI - Projects with each Board Member:

**Commissioner Bouchard** - All LSR's should be posted before the next Board Meeting, they are backed up at the state house.

**Commissioner Harrington** - PDMP Advisory Council reviewed reports showing there is almost a 6% decrease in unit quantity, so that is a positive result.

**Commissioner Rochefort** - USP 795, 797, 800. No major changes, Texas Board of pharmacy will be dialing in for our meeting, he has a wealth of information to share with us.

**Commissioner Pervanas** - The Pharmacist audit will be going out shortly.

**Commissioner Genovese** - Institutional rules revisions, we held a meeting January 15, 2019 and I will put notice on the Board of Pharmacy website to inform about our next meeting on Institutional Rules.

**Commissioner Laliberte** - Ph 700 we will meet again the first full week of February.

**Commissioner Merchant** - We talked about statute changes previously this morning.

10. Biennial Inventory - The DEA requires to be done "within last two years" There is a bill to eliminate the date of "May 1" This is a Discussion Item.
11. Chronic Pain, Opiate Meeting - There was a meeting to discuss this issue with a large number of stakeholders and it was a great discussion. Administrator/Chief of Compliance Bullek with put together the next meeting and post it on our website.

On motion from Commissioner Rochefort with a second from Commissioner Pervanas to adjourn the public meeting at 11:42 p.m. with a Board Vote of 7-0-0.

\*Roll Call to move into Non-Public validated a full Board was in attendance.

On Motion from Commissioner Rochefort to leave Non-Public session with a second from Commissioner Genovese and a Board Vote of 6-0-0. Commissioner Bouchard absent.

Public Session reconvened at 2:04 p.m. On motion from Commissioner Pervanas with a second from Commissioner Genovese to adjourn the public meeting at 2:05 p.m. with a Board Vote of 7-0-0.

**Motion to Seal the Minutes** from Commissioner Rochefort and a second from Commissioner Genovese with a Board Vote of 7-0-0. *Per RSA 91-A: 3, II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.*

Chair Signature of Approval \_\_\_\_\_ Date \_\_\_\_\_